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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,903	08/30/2001	Serge Ioffe	005642.P003	2085

7590 11/17/2004  
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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/943,903	<b>Applicant(s)</b> IOFFE ET AL.	
	<b>Examiner</b> Jeffrey Pwu	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/14/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

For a claim to be statutory under 35 USC 101 the following two conditions must be met:

- 1) In the claim, the practical application of an algorithm or idea result in a useful, concrete, tangible result, AND
- 2) The claim provides a limitation in the technological art that enables a useful, concrete, tangible result.

As to the technology requirement, note MPEP Section iV 2(b). Also note In Re Waldbaum, 173USPQ 430 (CCPA 1972) which teaches “useful arts” is synonymous with “technological arts”. In re Musgrave, 167USPQ 280 (CCPA1970), In re Johnston, 183USPQ 172 (CCPA 1974), and In re Toma, 197USPQ 852 (CCPA 1978), all teach a technological requirements.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being unpatentable over Bossemeyer, Jr. et al. (U.S. 6,510,427).

Bossemeyer, Jr. et al. discloses claims :

1. A method comprising:

receiving a message(216); subdividing the message based on an analysis of content in the message (218); and sending subdivided sections of the message to an agent based on the analysis of content (32; col.12, lines 14-44).

2. The method of claim 1, wherein the agent provides a response to one of the subdivided sections received (col.12, lines 14-44; ("e.g., a product code segment, a reason code segment, a service representative comment segment, and/or a customer feedback text segment (block 218)"))

3. The method of claim 2, wherein the subdivided sections of the message are reviewed again to determine if a subsequent response is needed (col.12, line 45-col.13, line 45).

4. The method of claim 3, wherein if a subsequent response is needed, the subdivided sections of the message are sent again to an agent to provide the subsequent response (col.12, line 45-col.13, line 45).

5. The method of claim 1, wherein the message is analyzed to determine if the subdivided sections of the message have been responded to (claim 1).

6. The method of claim 5, wherein the subdivided sections of the message not having been responded to by an agent are sent again to an agent to provide a response (see flow chart of figs. 12A-12D).

7. A machine-readable storage medium tangibly embodying a sequence of instructions executable by the machine to perform a method, the method comprising: receiving a message; subdividing the message based on an analysis of content in the message; and sending subdivided sections of the message to an agent based on the analysis of content (col.12, lines 14-44).

8. The machine-readable medium of claim 7, wherein the agent provides a response to one of the subdivided sections received.

9. The machine-readable medium of claim 8, wherein the subdivided sections of the message are reviewed again to determine if a subsequent response is needed (claims 1-7).

10. The machine-readable medium of claim 9, wherein if a subsequent response is needed, the subdivided sections of the message are sent again to an agent to provide the subsequent response (repeat steps of figs. 12A-12D).

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11. The machine-readable medium of claim 7, wherein the message is analyzed to determine if the subdivided sections of the message have been responded to (claims 1 & 7).

12. The machine-readable medium of claim 11, wherein the subdivided sections of the message not having been responded to by an agent are sent again to an agent to provide a response (col.12, line 14-col.13, line 45).

5. Claims 1-12 are also rejected under 35 U.S.C. 102(e) as being unpatentable over Raghunandan (U.S. 6,775,689).

Raghunandan discloses claims:

1. A method comprising:

receiving a message; subdividing the message based on an analysis of content in the message; and sending subdivided sections of the message to an agent based on the analysis of content (Abstract; “parsing the said directives and email contents, expanding aliases wherever necessary and applying the said directives to restructure the email contents by sending selected segments to selected recipients in identified lists. This invention further includes reordering the selected segments in a defined sequence prior to transmission. This invention also includes merging of selected identified corresponding segments from a plurality of email messages and transmitted to selected recipients in identified recipient lists.”).

2. The method of claim 1, wherein the agent provides a response to one of the subdivided sections received (5.1)

3. The method of claim 2, wherein the subdivided sections of the message are reviewed again to determine if a subsequent response is needed (col.7, line 45, ‘Example I’).

4. The method of claim 3, wherein if a subsequent response is needed, the subdivided sections of the message are sent again to an agent to provide the subsequent response (see ‘Example I’).

5. The method of claim 1, wherein the message is analyzed to determine if the subdivided sections of the message have been responded to (see ‘Example II’ and ‘Example III’).

6. The method of claim 5, wherein the subdivided sections of the message not having been responded to by an agent are sent again to an agent to provide a response (see ‘Example II’ and ‘Example III’).

7. A machine-readable storage medium tangibly embodying a sequence of instructions executable by the machine to perform a method, the method comprising: receiving a message; subdividing the

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message based on an analysis of content in the message; and sending subdivided sections of the message to an agent based on the analysis of content (1.1, 1.2, 1.3, 1.4, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2, 3.3, 3.4).

8. The machine-readable medium of claim 7, wherein the agent provides a response to one of the subdivided sections received (abstract).

9. The machine-readable medium of claim 8, wherein the subdivided sections of the message are reviewed again to determine if a subsequent response is needed (see 'Example I').

10. The machine-readable medium of claim 9, wherein if a subsequent response is needed, the subdivided sections of the message are sent again to an agent to provide the subsequent response (see 'Example II' and 'Example III').

11. The machine-readable medium of claim 7, wherein the message is analyzed to determine if the subdivided sections of the message have been responded to (see 'Example II' and 'Example III').

12. The machine-readable medium of claim 11, wherein the subdivided sections of the message not having been responded to by an agent are sent again to an agent to provide a response (see 'Example II' and 'Example III').

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bossemeyer, Jr. et al.

Bossemeyer, Jr. et al. disclose a system/method substantially claimed including claims:

13. A system comprising: a first unit to store a message sent from a message sender; a parser to subdivide the message based on a message analysis; and route subdivided sections of the message to an agent appropriate for the subdivided section (col.3, line 58-col.5, line 55)

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14. The system of claim 13, wherein the agent provides a response to one of the subdivided sections received (col.12, line 45-col.13, line 45).

15. The system of claim 14, wherein the subdivided sections of the message are reviewed again to determine if a subsequent response is needed (repeat steps of figs. 12A-12D).

16. The system of claim 15, wherein if a subsequent response is needed, the subdivided sections of the message are sent again to an agent to provide the subsequent response (claims 1 & 7; figs.12A-12D).

17. The system of claim 13, wherein the message is analyzed to determine if the subdivided sections of the message have been responded to (col.12, line 14-col.13, line 45).

18. The system of claim 17, wherein the subdivided sections of the message not having been responded to by an agent are sent again to an agent to provide a response (col.12, line 14-col.13, line 45).

However, Bossemeyer, Jr. et al. fail to show a router in distributing e-mail messages over a network. Official notice is taken that it is well known in networking art to use routers to determine the network point to which a packet should be forwarded toward to its destination. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to use routers to route the e-mail messages to desired destinations.

8. Claims 13-18 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Raghunandan.

Raghunandan disclose all of the claimed limitations except for a showing the use of routers in distributing e-mail messages over a network.

Official notice is taken that it is well known in networking art to use routers to determine the network point to which a packet should be forwarded toward to its destination. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to use routers to route e-mail messages to desired destinations.

***Prior Art***

9. (U.S. 5, 771,355) Kuzma demonstrates transmitting electronic mail over a computer network using routers and servers. (col.3, lines 5-30)

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 571 272-6798. The examiner can normally be reached on 7:45-6:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuesday, November 09, 2004

**JEFFREY PWU**  
**PRIMARY EXAMINER**